



1fw 1636

Docket No. 75723-ZB/JPW/GJG/CS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Baltimore et al.

Serial No.: 10/037,415 Examiner: C. Hibbert

Filed : January 4, 2002 Group Art Unit: 1636

For : NUCLEAR FACTORS ASSOCIATED WITH TRANSCRIPTIONAL REGULATION

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20th Floor  
New York, New York 10112  
May 6, 2009

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with their duty of disclosure under 37 C.F.R. §1.56, Applicants direct the Examiner's attention to the following disclosures, which are also listed on the attached substitute Form PTO-1449 (**Exhibit A**).

The subject application is a continuation under 35 U.S.C. § 120 of U.S. Application No. 08/464,364, filed June 5, 1995, now U.S. Patent No. 6,410,516, issued June 25, 2002, now undergoing reexamination under Control Nos. 90/007,503 and 90/007,828 which have been previously disclosed and brought to the Examiner's attention in the subject application.

Applicants note that items 1-3 listed herein are part of the merged *Ex Parte Reexamination* Control Nos. 90/007,503 and 90/007,828. Item 4 listed herein is part of a concurrent litigation captioned *ARIAD Pharmaceuticals, Inc., et al. v.*

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Eli Lilly and Company. The merged reexamination and the concurrent litigation proceedings involve U.S. Patent No. 6,410,516, which issued from a parent of the subject application.

All disclosures are readily available to the Examiner and to the public from the file history of U.S. Patent No. 6,410,516 and its merged reexamination proceeding (*Ex Parte Reexamination Control Nos. 90/007,503, filed April 4, 2005, and 90/007,828, filed December 2, 2005*). Accordingly, copies of items 1-4 are not enclosed.

The Examiner is respectfully requested to make the items of record in the subject application by initialing and dating the attached substitute Form PTO-1449, and returning a copy of the initialed and dated form to Applicants' undersigned attorneys.

1. Amendment in Response to October 16, 2008 Final Office Action and February 14, 2009 Advisory Action, Summary of December 2, 2008 Examiner Interview and Statement of Concurrent Proceedings Under 37 C.F.R. § 1.565 filed March 16, 2009 in Merged Reexamination Control Nos. 90/007,503 and 90/007,828;
2. Supplemental Amendment filed April 10, 2009 in Merged Reexamination Control Nos. 90/007,503 and 90/007,828;
3. Advisory Action issued April 21, 2009 in Merged Reexamination Control Nos. 90/007,503 and 90/007,828; and
4. Decision issued April 3, 2009 in the concurrent litigation captioned *ARIAD Pharmaceuticals, Inc., et al.*

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*v. Eli Lilly and Company, U.S. Court of Appeals for the Federal Circuit, Docket No. 2008-1248.*

Item 1 was filed March 16, 2009 in connection with merged *Ex Parte Reexamination Control Nos. 90/007,503 and 90/007,828.*

Item 2 was filed April 10, 2009 in connection with merged *Ex Parte Reexamination Control Nos. 90/007,503 and 90/007,828.*

Item 3 was issued April 21, 2009 in connection with merged *Ex Parte Reexamination Control Nos. 90/007,503 and 90/007,828.*

Item 4 is a Decision issued in a litigation involving the same patent which is involved in merged *Ex Parte Reexamination Control Nos. 90/007,503 and 90/007,828.*

This Supplemental Information Disclosure Statement is being submitted under 37 C.F.R. §1.97(c)(2), before the mailing of a Final Office Action. Accordingly, Applicants enclose a check in the amount of ONE HUNDRED AND EIGHTY DOLLARS (\$180.00) for filing this Supplemental Information Disclosure Statement.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee, other than the enclosed \$180.00 fee for filing a Supplemental Information Disclosure Statement, is deemed necessary in connection with filing this Supplemental Information Disclosure Statement. However, if any fee is required, authorization is hereby given to charge the additional amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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